

REMARKS

Applicant thanks Examiner Hellner for the telephone conference on December 7, 2006 and for his thoughtful consideration of this case. This Application has been carefully reviewed in light of the Office Action mailed October 11, 2006. To advance prosecution of this application, Applicant has responded to each notation by the Examiner. Applicant respectfully requests reconsideration, further examination, and favorable action in this case.

Interview Summary

Applicant's attorney conducted a telephonic conference with Examiner Hellner on December 7, 2006. Pursuant to M.P.E.P. §713.04, Applicant submits this summary of the telephonic interview to record Applicant's understanding of the substance of the interview. If Applicant's understanding is inaccurate, notice of such is appreciated.

During the interview, Applicant's Attorney and the Examiner discussed pending Claims 1-45 and the Examiner's identification of seven patentably distinct species (Inventions A-G). Applicant understands that the Examiner has agreed to group the pending claims into two groups, Group I (Claims 1-39) and Group II (Claims 40-45), instead of the seven patentably distinct species previously identified in the Office Action dated October 11, 2006. Based on this understanding, solely for the purpose of advancing prosecution of this case, and without addressing the veracity of the Examiner's election/restriction requirement, Applicant hereby elects to prosecute Group I (Claims 1-39). Applicant, therefore, withdraws Group II (Claims 40-45) from the above-identified patent application without prejudice or disclaimer.

Response to Election/Restriction:

Applicant respectfully submits that the election of species requirement set forth in the October 11, 2006 Office Action is improper in that the inventions as disclosed and claimed are species under a claimed genus and related. Thus, Applicant traverses the election of species requirement. According to the Examiner, the present application contains claims directed to seven patentably distinct species: (A) Figure 9A; (B) Figure 9B; (C) Figure 9C; (D) Figure 8A; (E) Figure 8B; (F) Figure 8C; and (G) Figure 8D. The written description of the present application provides that each of FIGURES 9A, 9B, and 9C illustrate example

embodiments of pump sources that are capable of generating a pump signal for use in a Raman wavelength shifter, while each of FIGURES 8A, 8B, 8C, and 8D illustrate example embodiments of Raman wavelength shifters and/or Raman oscillators. *See e.g.*, Page 44, Lines 8-11, and Page 38, Lines 7-11, respectively. Applicant contends that each of independent Claims 1, 21, and 40 are at least a *genus* claim that includes more than one of the seven patentably distinct species identified by the Examiner within the breadth and scope of the claim. For example, the breadth and scope of independent Claim 1 includes at least some elements from species (B) Figure 9B, (C) Figure 9C, (D) Figure 8A, (E) Figure 8B, (F) Figure 8C, and (G) Figure 8D. Thus, for at least the above identified reasons, Applicant submits that the Examiner's election requirement is improper and respectfully requests that the requirement be withdrawn.

As indicated in the Interview Summary section above, Applicant understands that the Examiner has agreed to group the pending claims into two groups, Group I (Claims 1-39) and Group II (Claims 40-45), instead of the seven patentably distinct species previously identified in the Office Action dated October 11, 2006. Based on this understanding, solely for the purpose of advancing prosecution of this case, and without addressing the veracity of the Examiner's election/restriction requirement, Applicant hereby elects to prosecute Group I (Claims 1-39). Applicant, therefore, withdraws Group II (Claims 40-45) from the above-identified patent application without prejudice or disclaimer.

CONCLUSION

If the Examiner feels that a conference would advance prosecution of this Application in any manner, Brian J. Gaffney stands willing to conduct such a telephone interview at the convenience of the Examiner. Mr. Gaffney may be reached at 214-953-6682.

Applicant believes no fee is due. However, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.



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